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| 09/975,457 | 10/11/2001 | Gordon T. Brown | 47781-7 | 9832 |

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EXAMINER

RUHL, DENNIS WILLIAM

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/975,457 | BROWN, GORDON T. | |
| | Examiner | Art Unit | |
| | Dennis Ruhl | 3629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006 and 23 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28,29,32-35,38-40,43,45-55,58-71,74-81,83-93,96-109 and 112-119 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28,29,32-35,38-40,43,45-55,58-71,74-81,83-93,96-109,112-119 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Applicant's responses of 5/22/06 and 8/23/06 have been received and entered.

1. The amendment filed 8/23/06 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

For claims 28,34,39,55,71,93,109, there is more than one limitation that is considered to be new matter. The limitation of providing "accounting codes representing income, expense, asset, and/or liability information" and having those codes transmitted to the financial accounting system is new matter. First, with respect to the accounting codes, there are more than one kind of code disclosed in the specification as originally filed and none of them are called accounting codes. Applicant has stated that support can be found on page 4, line 23 to page 5, line 11. This portion of the specification discloses that there may be automatic coding preferences, source inclusions, business accounting *rules*, reporting detail,... authorization registrations." This is not making any mention of accounting codes that represent income, expense, etc. as claimed. Page 5 further states that the accounts are assigned code numbers. This is not providing support for what is claimed. The code numbers for the accounts cannot reasonably be construed as accounting codes as claimed. The examiner notes that US patent 5193055 is mentioned, but this patent is not incorporated by reference and is not part of the instant specification. Applicant also has relied upon page 5, lines 24-35 for support for the claimed language. This portion of the specification is

discussing "Automatic coding devices" that can transmit "data concerning the financial transaction at the time of the financial transaction". This portion makes no mention of accounting codes that represent expense, income, etc. as claimed. The portion of page 4 relied upon and the portion of page 5 relied upon are not even dealing with the same element and applicant is pointing to these two portions like they are discussing the same issue, which they are not. Page 7, lines 6-35 mentions that "personal/business code numbers for transaction recording are assigned" but this is not a disclosure to accounting codes that that represent expense, income, etc. as claimed. The examiner does not see how this portion provides support for what is claimed. Page 9, lines 8-15, makes no mention of any kind of codes at all so it cannot support what is being claimed. Page 10, lines 3-30 are also relied upon by applicant, and this portion is dealing with the types of reports that can be generated and this portion makes no mention of any accounting codes as claimed. The original claims 3, 13, and 23 also do not provide support for what is being claimed. Claim 23 does mention accounting codes, but says nothing about the recitation that the codes represent expense, income, asset, and/or liability information. Also, what is claimed in the scope of claim 1, is the entering of data into a computer and also entering the codes, but this is not disclosed as happening at the time the transaction happens, but is so broad that it could happen after the transaction has been completed, so the examiner does not see how this claim can provide support for what is claimed. Also not disclosed and not supported by any of the portions of the specification that applicant has relied upon, is that the accounting codes are part of the transmission to the financial accounting system. The examiner does not

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see where support comes from for the limitation of transmitting the accounting codes along with the record of each transaction. Where does support come from for this limitation? None of the relied upon portions provide support for what is claimed.

For claim 91, the specification as originally filed did not disclose that there was a network that was a modem. A modem is not even a network of any kind so this language does not even make any sense. A modem is a device that allows data transfer to occur between a computer and a network. The modem itself is not a network and the specification does not provide a disclosure of such. This is new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 28,29,32-35,38-40,43,55,71,93,109, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims are rejected for the same reasons as set forth in the new matter objection under 35 USC 132(a). The claims contain new matter.

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4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 28,34,38,39,53,78,80,116,118, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claims 28,34,39, at the end of the claim it is recited "producing from the separate financial accounting system, *the accounting statement including the income, expense, asset and/or liability information*". It is not clear if the actual income, expense, asset and/or liability information is even part of the claim. Is the actual information part of the scope of the claim? It is recited is that there are accounting codes *that represent* the information but it has never been claimed that the actual information has been provided, so how can applicant claim that the accounting statement includes the information (that has never been provided)? This is not clear. Is the actual information in the scope of the claim or are just the codes in the scope of the claim?

For claim 38, there is no antecedent basis for "the transmitting a record of each transaction *and standardized codes* to at least one separate financial accounting system". What standardized codes? This language was canceled from claim 34. This renders the claim indefinite because it is not clear as to how many codes are being claimed. Are there just accounting codes or accounting codes and standardized codes?

With respect to claim 39, applicant is using means plus function language to define structure to the claimed apparatus. What is meant by "means for providing accounting codes". Upon consulting the specification it is not clear as to what structure

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corresponds to the claimed means for providing the codes. Is this or can it be a person? A human had to come up with the codes initially to enter them into the system. With respect to the "means for conducting the transactions", what structure does this cover? When someone conducts an electronic transaction using a credit card, the credit card allows the person to conduct a transaction. A cash register also allows the transaction to occur. It is not clear as to what corresponding structure from the specification is covered by the "means for conducting" language. With respect to the "means for associating", because no association is even claimed, it is not known what the scope of this language is. What is the structure from the specification that accomplishes this step? The examiner does not understand what structure from the specification is covered by the "means for associating" language. This is not clear.

For claims 34,78,116, the claims specify and require that the instructions are *controlled* by a processor. Applicant has recited that financial transactions are conducted through other entities and claimed that a record for each transaction is transmitted to a financial accounting system and then the accounting system produces a statement. The examiner finds the claim indefinite because in the preamble of the claim it is recited that a processor controls the steps recited in the body of the claim. How can it be recited that the processor is controlling the conducting of the transactions that are conducted through separate entities? The other entities are conducting the transaction so what is meant by reciting that the processor controls this step? This is not clear.

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For claims 80,118, applicant has recited a “means for providing access to said at least one file of said financial accounting computer”. It is not clear as to what structure disclosed in the specification is covered by this language. The specification discusses “passcodes” that are issued to approved agents. That seems to be the only thing that could possibly satisfy the claimed means plus function language; however, a passcode is not a structural component of the financial accounting system and is not even a tangible thing. Because in apparatus claims structure is what is being defined, and because a passcode is not a real world physical and tangible thing, it is not clear as to what structure is defined by the recited means plus function language.

For claim 53, applicant has claimed a method step and the examiner has interpreted this to be reciting the structure of a communication network. The examiner notes that a network for transferring the data is claimed in claim 45 so what is the communication network of claim 53? Is this the same as the network of claim 45?

For claims 80,118, it is not clear upon consulting the specification as originally filed as to what the scope of “means for establishing data inputs” is intended to recite as far as structure goes. What structure is defined by this means plus function language? Is the means to establish a credit card, or a cash register at the location of the sales transaction? Is this referring to structure such as a hard drive that allows data inputs to be saved? It is not clear as to what structure is covered by this limitation.

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 28,29,32,34,35,39,40,43, are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al. (5193055).

For claims 28,34, Brown discloses a computer assisted method of producing an accounting statement. The method is computer assisted because a computer is involved in the process of producing the accounting statement. The producing of the accounting statement is disclosed in column 1, lines 59-63; column 5, lines 40-41, 53-64; and in figures 3A, 3B, and 3C. The providing of accounting codes that represent income, expense, asset, and/or liability information is disclosed in column 2, lines 52-61 and in column 3, lines 53-65. Applicant should take notice that only one accounting code is required by the claim language, even though Brown discloses many accounting codes. The conducting of transactions through other entities that includes transfer or funds or instructions to transfer funds is disclosed in column 2, lines 34-40. The writing of checks can reasonably be considered to be a transfer of funds, and at the very least is an instruction to transfer funds. By writing a check you are authorizing the amount of money listed on the check to be transferred to the person the check is made out to. That is what a check is, a transfer of funds or an instruction to transfer a given amount of funds to the payee. Also disclosed in column 2, lines 34-40 is the claimed

association of the accounting codes with the transaction at the time of the transaction. When the person is writing out the check, it is disclosed that they write the accounting codes on the check so that the transaction has a corresponding accounting code. This is a step of association of the accounting codes with the transaction at the time instructions are given to transfer funds (when the check is written). Column 2, lines 30-33 disclose the step of transmitting a record of each transaction and the accounting codes to at least one separate financial accounting system (the computer of Brown). This portion of the patent discloses that the customer can use a telephone to transmit the transaction data (which includes the codes) directly to the computer. This satisfies what is claimed. The accounting statement is then produced based on the transaction data and the accounting codes. For claim 34, it is considered inherent that there is a storage medium of some kind that stores the computer programming that "controls" the recited method.

For claims 29,35, see column 1, lines 59-60 where it is disclosed that the accounting statement is printed.

For claim 32, the account codes are provided from a menu (i.e. a list). A menu is a list of items (like a list of food items at a restaurant). Column 2, lines 52-54 discloses that a list of predetermined accounting codes is prepared and entered into a computer data bank. By having predetermined codes that the user chooses from to associate with a given transaction, that means that there is a predetermined menu (list) of codes that the user chooses from. This satisfies what is claimed.

For claim 39, Brown discloses an apparatus as claimed (as the claim is best understood by the examiner due to 112,2nd issues). Brown discloses a means for providing accounting codes. This can be interpreted to be the list of accounting codes that is disclosed as being stored in the computer (column 2, lines 52-54). Additionally, accounting codes must have inherently been provided to the user in some manner because if the user does not know what the codes are, the user cannot possibly associate the codes with the transaction when writing the check. This feature is necessarily present in Brown. The means for conducting transactions through other entities is the checks that are written. A check is a way in which a transaction is conducted and satisfies what is claimed. The check allows a financial transaction to occur. The means for associating the codes with the transactions is the disclosure of the codes being written on the checks. The user writes the codes on the checks, which then associates the transaction with the codes. The means for transmitting the record of each transaction and the codes to an accounting system is the telephone disclosed in column 2, lines 30-33. The telephone is the device that is used to transmit the data to the accounting computer, so the telephone satisfies the claimed "means for transmitting" limitation. The means for producing the accounting statement is the computer programming along with the hardware of Brown, that produces the accounting statement. Because Brown produces an accounting statement from the transaction data and the accounting codes, there is necessarily a means to produce the accounting statement.

For claim 40, see column 1, lines 59-60 where it is disclosed that the accounting statement is printed, which is necessarily done by a printer (means for printing)

For claim 43, applicant is reciting a limitation directed to the intended manner of using the system. This claim is not defining any further structure to the system and this limitation is taken as nothing more than functional language. The prior art is fully capable of having the record of the transaction and the accounting codes transmitted at the time the transaction is conducted. A recitation of the intended use of the claimed invention in an apparatus claim must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

8. Claims 45-55,58-71,74-81,83-93,96-109,112-119, are rejected under 35 U.S.C. 102(b) as being anticipated by Lawlor et al. (5220501).

For claim 45-51,53,58-70,74-81,83-89,91,96-108,112-119, Lawlor discloses a system and method as claimed. Lawlor discloses a financial accounting computer 52 (that has more than one file) and a plurality of financial transaction computers 54. The transaction computers 54 are programmed to receive data inputs (via a means for establishing inputs such as a keyboard or data entry device) as claimed and are disclosed as transferring the data inputs (transaction instructions) to the accounting computer 54 (for example see column 7, lines 5-24). The network is 56 and/or 62 (means for transferring the data inputs). The financial transaction computers 54 are

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programmed to provide interactive access to the file of the accounting computer because it is disclosed that there is a security function that requires users to identify themselves by the use of account numbers and a PIN. This is a way to provide interactive access as claimed (means for providing interactive access). Once the user has access, the user and/or agent can enter data inputs (a new financial transaction such as a transfer of funds or a bill payment), process the data by reviewing the data, adjusting data (changing the amount of a periodic bill that is automatically paid), and deleting data (informing the bank of an incorrect charge that you did not make and having it corrected). A user can perform any and all of the recited functions. Lawlor inherently must have a modem as claimed in claim 91, because one cannot conduct data transfer from one computer to another computer on a network without a modem of some kind. The modem is the device that allows access to the network so that data transfer can occur. It is considered inherent that there is a computer readable medium of some kind (claim 78) that stores the computer programming that "controls" the recited method. An accounting statement is produced as claimed, see column 7, lines 60-63; column 10, lines 24-43; column 14, lines 3-6; and column 15, lines 47-54.

For claims 52,90, Lawlor discloses more than one financial transaction computer 54. Lawlor discloses a plurality of computers 54 and each of the computers 54 is fully capable of transferring data inputs to the file of the accounting computer. This is because a user can use any computer 54 that they want to, and gain access to the accounting computer to enter new data if so desired. This ability is present in the prior

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art reference.

For claims 54,92, applicant is reciting a method step directed to the intended use of the apparatus. This defines no structure to the apparatus and because the system of Lawlor can do what has been claimed, Lawlor anticipates what is claimed.

For claims 55,93, reciting what the data inputs are called does not further define anything about the claimed apparatus. The data inputs are simply the data that is used by the apparatus and the codes themselves are not even a structural part of the apparatus, so these claims define nothing further structurally to the claimed apparatus from that which is recited in the independent claims 45 and 83. The independent claims recite that the financial transaction computer is programmed to receive data inputs. The computers 54 in Lawlor accept data inputs and this satisfies what is claimed.

For claims 58-60,74-76,96-98,112-114, Lawlor satisfies what has been claimed. A user and/or agent can enter data inputs (a new financial transaction such as a transfer of funds or a bill payment), process the data by reviewing the data, adjusting data (changing the amount of a periodic bill that is automatically paid), and deleting data (informing the bank of an incorrect charge that you did not make and having it corrected). A user can perform any and all of the recited functions.

For claims 80,81,118,119, Lawlor discloses the claimed apparatus. Lawlor discloses a means for establishing a file on the financial accounting computer 52, which is the save function of the computer that allows files to be saved and data to be saved to the files. The means to establish data inputs is the input function of the terminals 54

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that take in transaction data that is to be transferred to the accounting computer 52 via a communication network. The means for providing access to the file is taken to be the security function of Lawlor that requires users to identify themselves by the use of account numbers and a PIN. This is a means to provide access as claimed. The means for generating an accounting statement is the software that allows the data to be viewed such as in an account statement or in any of the financial data services disclosed in column 7, lines 60-63; column 10, lines 24-43; column 14, lines 3-6; and column 15, lines 47-54.

For claims 71,109, Lawlor inherently has codes associated with the transactions. The codes are identifiers that represent either a deposit or a withdrawal of funds from a particular account. There are inherently codes present that represent a debit or a credit to the account. The establishing of the accounting codes is satisfied by the system of Lawlor identifying what kind of transaction is occurring (i.e. deposit or withdrawal).

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

.....
10. Claims 33,38, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (5193055).

For claims 33,38, not disclosed is that the record of each transaction and the accounting codes are transmitted at the time of the transaction. This limitation is

reciting the time when the information is transmitted to the computer in Brown and the examiner notes that the overall method is not affected or changed by the timing of when the transmission occurs. One of ordinary skill in the art at the time the invention was made would have found it obvious to use the telephone in Brown to transmit the transaction information to the computer "at the time of the transaction", so that the computer that generates the accounting reports will have the most recent updated information, so that any produced reports are accurate. The timing of the transmission is something that one could do at the time of the writing of a check, or at a later time, it does not matter to the overall method and does not materially affect the outcome of the method.

11. Applicant's arguments have been fully considered but they are not persuasive.

With respect to the new matter rejection (objection to the amendment and 112,1st) concerning the language reciting the "*accounting codes representing income, expense, asset, and/or liability information*" as well as the limitation dealing with the transmission of the codes, the examiner has reviewed the portions of the specification that were cited by applicant for support and does not see how those portions provide support for what is claimed. The examiner has addressed this issue in the objection to the amendment and applicant is referred to the objection for the position of the examiner. The examiner has provide some explanation of why it is not believed that the cited portions provide support for what is claimed. The newly added claim language is

found to be new matter.

For the 112,2nd rejection of claim 39, the examiner is still not clear as to what structure corresponds to the recited claim language. The examiner does not feel that applicant has addressed the merits of the rejection. Changing from “standardized code” to “accounting code” does nothing to address the issue of what structure is covered by the language of “means for providing accounting codes”. What is the structure that is covered by the “means for providing” language? Also, this was not the only aspect to the rejection of claim 39 because the limitations of “means for conducting” and “means for associating” were also stated as being indefinite. Applicant has not addressed these limitations at all and has no argument on the record for this aspect to the 112,2 rejection of claim 39. The rejection is not overcome.

For the 112,2nd rejection of claims 34,78,116, the amended claim language does not really change anything. It is not clear what is meant by “controlled” because some of the steps that are claimed as being controlled by the processor, are not things that the processor has control over. This rejection has not been overcome.

For the 112,2nd rejection of claims 80,118, applicant has not addressed the rejection as set forth by the examiner. A passcode is not a structural component of the financial accounting system and is not even a real world tangible thing. Because in apparatus claims tangible structure is what is being defined, and because a passcode is not a real world physical/tangible thing, it is not clear as to what structure is defined by the recited means plus function language. Applicant has stated that the language is

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referring to passcodes; however, this cannot be because passcodes are not a structural part of the system. The response from applicant is not persuasive.

For the 112,2nd rejection of claim 53, applicant has not addressed the reasoning behind the rejection. The examiner stated that it is not clear as to what the communication network of claim 53 is, because claim 1 already has a recitation to a network. Are they the same network or not? All applicant did was refer the examiner to the specification, which is not persuasive and does not address the reason for the rejection.

For the 112,2nd rejection of claims 80,118, applicant has only addressed ½ of the rejection. Applicant has not addressed the limitation of "means for establishing data inputs", which was part of the rejection for these claims. There were two limitations in these claims that were considered to be indefinite and only one has been addressed by applicant.

With respect to the traversal concerning the prior art rejection, it is not persuasive. The paragraph at the top of page 19 of the response is not seen as much more than a general allegation of patentability. There is no discussion as to why the reference does not disclose what is claimed, and the examiner notes that the limitation of the accounting codes does not appear in each independent claim so the argument is only relevant to those claims that contain the argued limitation. The 2nd paragraph on page 19 is also not seen as much of a traversal because no explanation has been provided explaining why applicant does not believe that Lawlor discloses "interactive" access. In Lawlor, the user or an agent of the user can interact with the computer to

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obtain financial information relating to the account of the user. This satisfies what is claimed because the user can access the data for processing purposes for the purpose of entering information (a new transaction). Also, if an error is noted in the information, it can be corrected, just like any banking error that occurs to a person's account. The claims are not found to be allowable and the argument is non-persuasive.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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DENNIS RUHL
PRIMARY EXAMINER

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